

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

JAMES LEE STULL,

Plaintiff,

v.

CIVIL ACTION NO. 1:13CV211
(Judge Keeley)

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

ORDER

On July 2, 2014, Brian D. Bailey, counsel for the plaintiff, James Lee Stull ("Stull"), filed a "Motion for Attorney Fees," (dkt. no. 17), seeking an attorney's fee award in the amount of \$7,470.63. On July 14, 2014, counsel for the defendant Commissioner of Social Security ("Commissioner") filed a response (dkt. no. 18) opposing the motion. Three days later, on July 17, 2014, the Commissioner filed a stipulation (dkt. no. 21) notifying the Court that the parties had agreed to withdraw the "previously filed Equal Access to Justice Act petition" and attendant filings, and had stipulated that plaintiff was entitled to an attorney's fee of \$4,870.69.

Meanwhile, on July 17, 2014, Magistrate Judge John S. Kaul recommended that the Court award the plaintiff an attorney's fee of \$4,870.69, and deny the pending motion as moot.

For good cause, the Court adopts the Report and Recommendation. Therefore, it

ORDER

1. Awards counsel for the plaintiff, James Lee Stull, an attorney's fee in the amount of Four Thousand Eight Hundred Seventy Dollars and Sixty-Nine cents (\$4,870.69);
2. Directs that the attorney's fee be mailed to the business address of plaintiff's counsel, Brian D. Bailey; and
3. Directs that full or partial remittance of the awarded attorney's fee is contingent upon a determination by the Government that the plaintiff owes no qualifying, pre-existing debt(s) to the Government. If such a debt(s) exists, however, the Government will reduce the awarded attorney fees in this Order to the extent necessary to satisfy such debt(s).

It is so **ORDERED**.

The Court directs the Clerk to transmit copies of this Order to counsel of record.

DATED: July 28, 2014.

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE